

1 NICHOLAS A. TRUTANICH
United States Attorney
2 Nevada State Bar Number 13644
PHILLIP N. SMITH, JR.
3 Assistant United States Attorney
Nevada State Bar Number 10233
4 501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
5 PHONE: (702) 388-6336
FAX: (702) 388-5087
6 phillip.smith@usdoj.gov

7 Attorney for Plaintiff

8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 ***

12 UNITED STATES OF AMERICA,)	2:19-mj-123-NJK
)	
13 Plaintiff,)	
)	
14 v.)	
)	
15 JAMIKKO FOSTER,)	
)	
16 Defendant.)	
)	

17
18 **STIPULATION TO CONTINUE PRELIMINARY HEARING**

19
20 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich,
21 United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for
22 the United States of America; and Heidi A. Ojeda, Assistant Federal Public Defender, counsel
23 for the Defendant, that the preliminary hearing for the above-captioned matter, currently
24 scheduled for April 30, 2019, at the hour of 4:00 p.m., be vacated and continued to a date and
25 time convenient for this Court, but in no event earlier than thirty (30) days.

26
27 This stipulation is entered for the following reasons:

1. The Government has made an early production of discovery to the Defendant in an effort to reach a pre-indictment plea agreement, and a pre-indictment plea agreement has been extended to the Defendant. Counsel for the Defendant has indicated that the Defendant is accepting the plea agreement.

2. Said plea agreement would obviate the need for either a preliminary hearing in this matter or for the Government to present this matter to a federal grand jury.

3. Denial of this request for continuance of the preliminary hearing would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is excludable in computing the time within which the Defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

6. This is the third request for a continuance of the preliminary hearing herein.

DATED: April 29, 2019.

/s/
 PHILLIP N. SMITH, JR.
 Assistant United States Attorney
 Counsel for the United States

/s/
HEIDI A. OJEDA, AFPD
Counsel for Defendant

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 ***

6 UNITED STATES OF AMERICA,)

7 Plaintiff,)

8 v.)

9 JAMIKKO FOSTER,)

10 Defendant.)
11

2:19-mj-123-NJK

**ORDER CONTINUING
PRELIMINARY HEARING**

12 **ORDER**

13 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**
14 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter as to the
15 Defendant, currently scheduled for April 30, 2019, at the hour of 4:00 p.m., be vacated and
16 continued to June 3, 2019, at 4:00 p.m., in Courtroom 3A.
17

18 DATED: April 29, 2019

19 
20 _____
UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28